New Adolescent Vaccines: Legal & Legislative Issues - Consent

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Consent - The Legal Framework

- o Complex patchwork
- o State & federal law
- Constitution, statutes, court decisions

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Federal Law & Consent for Immunizations

- Federal law does not explicitly require parental consent for immunizations
- National Childhood Vaccine Injury Act (NCVIA) requires provision of Vaccine Information Statements (VIS) prior to each dose

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Vaccine Information Statements

- o Required by NCVIA
- Must be given prior to each dose of a vaccine

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Minor Consent Laws in 50 States & DC

- o All states have minor consent laws
- o Many laws in place for 2 or 3 decades
- o Some laws based on minor's status
- Some laws based on services minor is seeking
- A few laws allow treatment without consent

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Minor Consent Laws Based on Status

- o Emancipated minor
- o Married minor
- o Minor in the armed services
- o Mature minor
- o Minor living apart from parents
- o High school graduate
- o Minor over a certain age
- o Pregnant minor
- o Incarcerated minor

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Minor Consent Laws Based on Services

- o Pregnancy related care
- o Contraceptive or family planning services
- o STD/VD prevention, diagnosis, & treatment
- Reportable disease prevention, diagnosis, & treatment
- o HIV/AIDS testing & treatment
- o Drug or alcohol counseling & treatment
- o Outpatient mental health services
- o Diagnosis & treatment for sexual assault

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Relevance to Vaccinations – Minor Status

- Minor may be able to consent based on <u>status</u>
- Special importance for special populations of youth who lack parental support

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Relevance to Vaccinations – Type of Service

- o Minor may be able to consent based on type of service
- All states allow minors to consent for diagnosis or treatment of "sexually transmitted" or "venereal" disease
- At least 12 states allow minors to consent for care related to reportable disease

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"Prevention"

o Some state laws allowing minors to consent for care related to a sexually transmitted, venereal, or reportable disease expressly include "prevention" along with diagnosis and treatment

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When Can a Minor Consent for a Vaccination?

- o Specific analysis required
- o State
- o Age of minor
- o Capacity to give informed consent
- o Legal status
- o Condition for which immunization is sought

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